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EXAMINER

NGUYEN, STEVEN H D

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GORDON K. CHANG, ROBERT W. HARBISON,
RICHARD J. BARRY, MING C. LO, and STEPHEN R. RAAB

Appeal 2009-007594
Application 10/086,268
Technology Center 2400

Before ROBERT E. NAPPI, KALYAN K. DESHPANDE,
and BRUCE R. WINSOR, *Administrative Patent Judges*.

WINSOR, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 1-15, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellants' "invention relates to an integrated voice gateway system" (Spec. 1:8). Claim 1, which is illustrative of the invention, reads as follows:

1. A communication system comprising:
 - a public switched telephone (PST) network;
 - an internet protocol (IP) network;
 - a private branch exchange (PBX) with a telephone coupled thereto to route a telephone call over the PST network;
 - a user CTI control mechanism having-an interface via which each of a plurality of particular users can configure a CTI application to logically associate a computer and a gateway telephone in physical proximity to the computer with the telephonic identity of that particular user, and including integrating enterprise directory information into the operation of the CTI control mechanism with respect to that particular user, wherein the enterprise directory is a directory of named objects, including users, network devices and network services; and
 - a voice gateway coupled to the PBX and to the IP network to route a telephone call over the IP network, the voice gateway configured to support a plurality of numbering plans.

The Examiner relies on the following prior art in rejecting the claims:

Rogers	US 5,946,386	Aug. 31, 1999
Petty	US 6,337,858 B1	Jan. 8, 2002

Ford	US 6,463,051 B1	Oct. 8, 2002
Maroulis	US 6,584,094 B2	Jan. 24, 2003

Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Maroulis in view of Ford and Rogers.

Claims 12-15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Maroulis, Ford, and Rogers, in view of Petty.

Rather than repeat the arguments here, we make reference to the Briefs and the Answer for the respective positions of Appellants and the Examiner. Only those arguments actually made by Appellants have been considered in this decision. Arguments that Appellants did not make in the Briefs have not been considered and are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUE

Appellants have argued the patentability of independent claims 1 and 5 together (App. Br. 5) and have argued the patentability of claims 2-4 and 6-15 by relying on the arguments made for the patentability of the claims from which they depend. Therefore, we select claim 1 as the representative claim, pursuant to our authority under 37 C.F.R. § 41.37(c)(1)(vii).

Appellants summarize their contentions as follows:

- The Examiner is misguided in stating, in the Final Office Action at page 7, that "the features upon which applicant relies (i.e., the different [sic] between the database of the application and the database of the prior arts) are not recited in the rejected claims(s)." Applicant is not reading limitations into the claims.
- The term "enterprise directory of named objects, including users, network devices and network services" cannot be properly construed to include a "call management database"

or a "database for translating the telephone number plans such as international and National numbering plans," as disclosed in the cited references.

- Unless the Applicant intends for the term "enterprise directory of named objects, including users, network devices and network services" to have a meaning other than the "ordinary and customary" meaning, there is no requirement for Applicant to explicitly define the term "enterprise directory" in the specification and/or distinguish the term from other, different, terms used in the cited prior art.

(App. Br. 6).

The pivotal issue presented by Appellants contentions is:

Does “enterprise directory” as recited in claim 1, and as properly construed, read on the “database” disclosed in Rogers as combined with Maroulis and Ford (App. Br. 5)?

PRINCIPLES OF LAW

[The USPTO] applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant’s specification.

In re Morris, 127 F.3d 1048, 1054 (Fed. Cir. 1997).

APPELLANTS’ EVIDENCE

Ferguson ¹	US 6,016,499	Jan 18, 2000
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T. Howes and M. Smith, *LDAP: Programming Directory Enabled Applications with Lightweight Directory Access Protocol*, cover, recto, verso, 4-5 (1997) (herein “Howes”).

¹ Also referred to in the record as “Novell.”

University of Michigan, *The SLAPD and SLURPD Administrator's Guide* 1-82, (Rel. 3.3, 1996) (herein “Michigan”).

ANALYSIS

The Examiner finds that Rogers discloses an enterprise directory of named objects including users, network devices, and network services (Ans. 4). The Examiner further explains

. . . Maroulis discloses a database which contains the objects including gateways "the internet addresses"; Ford discloses a database which contains the objects including gateways "the internet addresses" and Rogers discloses a database which contains a directory of named objects including users, network devices and network services (Fig 6-9, Name "user", Fax "device", call forward "service"). Therefore, the database of the prior arts disclose the enterprise directory "database" of the claimed invention because the applicant's arguments are based on information that do not disclose [*sic*] in the specification.

(Ans. 7). We agree with the Examiner’s findings and explanation and adopt them as our own.

The Examiner has properly construed the term “enterprise directory” by giving the term its broadest reasonable meaning as it would be understood by one of ordinary skill in the art as enlightened by the Specification, *see Morris*, 127 F.3d at 1054. We find nothing in the evidence submitted by Appellants that would contradict the Examiner’s implicit findings that one of ordinary skill in the art would understand an “enterprise directory” to read on a “database” such as that disclosed by Rogers.

In the paragraph quoted by Appellants (App. Br. 8-9), Howes explains that a “directory” should not be used as a “*general* database” (emphasis added) (Howes 5). The cited passage of Ferguson (App. Br. 9-10) draws a

distinction between a “directory service” or “directory service repository” on the one hand and a “*relational* database” (emphasis added) on the other (Ferguson col. 1, l. 60 – col. 2, l. 43). We note that Ferguson states, “a directory services repository is sometimes called a directory services ‘database’” (Ferguson col. 2, ll. 13-15). The quoted portion of Michigan (App. Br. 10), distinguishes ‘directories’ from “*regular* databases” (emphasis added) (Michigan 6). In each case, the distinction drawn by the submitted evidence is between a “directory” and a general-purpose database, but we find nothing in Howes, Ferguson, or Michigan that leads to the conclusion that an “enterprise directory” is not understood by the skilled person to be a “database” as that term is ordinarily used.

We further note that Appellants’ Specification equates the enterprise directory with a database, where the Specification discloses “It is a further object of the invention to provide the desktop telephone users with a telephone white pages display of any entry in the *enterprise directory services database*.” (Spec 6:5-7) (emphasis added). “The *enterprise directory* 90 is a company-wide general purpose directory or global *database* of named objects including users, network devices (e.g. routers, gateways), and network services (e.g. print servers), etc.” (Spec. 16:1-3) (emphasis added). “However, in installations which do not have an X.500 compatible *enterprise directory*, the alternative embodiments of the gateway network of the invention may include *other database configurations*.” (Spec. 17:25-27) (emphasis added). Appellants’ contend (App. Br. 16, fn. 2; Reply Br. 3) that such “isolated” references would not put the skilled person on notice of an “‘uncommon definition’ [of enterprise directory] inconsistent with the rest of the specification” (App. Br. 16, fn. 2). To the contrary, we

find that the references in Appellants' Specification support the Examiner's finding that one of ordinary skill in the art would understand an "enterprise directory" to be a database.

Therefore, we find that the ordinary and customary meaning of "enterprise directory" as understood by those skilled in the art and as used in Appellants' Specification, encompasses a database or other data structure capable of including the information specified in claim 1, i.e., "named objects, including users, network devices and network services." Appellants have not contested the Examiner's findings (Ans. 4, 9) that Rogers, in combination with Maroulis and Ford, teaches or suggests a database that includes this information.

In view of the foregoing, we do not agree with Appellants' contention that the ordinary and customary meaning of "enterprise directory" is limited to the data structures described in one or more of Ferguson, Howes, or Michigan. Further, we agree with the Examiner that, to the extent Appellant is arguing that the scope of an "enterprise directory" is so limited, Appellant is arguing limitations not found in the claim (Ans. 7-8).

Accordingly, we sustain the rejection of claim 1 and of claims 2-15.

ORDER

The decision of the Examiner to reject claims 1-15 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2010).

AFFIRMED

Appeal 2009-007594
Application 10/086268

ELD